

CRIMINAL CAUSE FOR STATUS CONFERENCE

Before: Dora L. Irizarry, Chief U.S.D.J. Date: July 7, 2017 Time in Court: 1:20

Docket Number: 16-CR-640 USA v. Nordlicht et al.

Deft:	<u>Mark Nordlicht (1)</u>	Attorneys:	<u>Daniel Rickert Koffman and William Anthony Burck</u>
Deft:	<u>David Levy (2)</u>	Attorneys:	<u>Michael S. Sommer and Morris Fodeman.</u>
Deft:	<u>Uri Landesman (3)</u>	Attorneys:	<u>Gregory J. O'Connell and Peter J. Sluka, Jr..</u>
Deft:	<u>Joseph Sanfilippo (4)</u>	Attorney:	<u>Kevin J. O'Brien and Adam Pollock</u>
Deft:	<u>Joseph Mann (5)</u>	Attorneys:	<u>Benjamin Fischer and Jonathan S. Sack</u>
Deft:	<u>Daniel Small (6)</u>	Attorneys:	<u>Seth L. Levine, Tracy Dayton and David J. Lizmi</u>
Deft:	<u>Jeffrey Shulse (7)</u>	Attorneys:	<u>F. Andino Reynal, David M. Rody, and Sonia Marquez</u>

AUSA(s): Alicyn Cooley, Lauren Elbert, and Sarah Evans

Rep. of Government's firewall team (arrived midway through conference): Andrew Gilman

Court Reporter: Nicole Canales Courtroom Deputy: Christy Carosella

AUSA Cooley informs the Court that discovery has progressed extensively; vast majority produced—remainder to be complete within this month (details stated).

Court notes that a member of the Government's firewall team was to be present at this conference; Court is not satisfied with reasons provided for their absence; Government ordered to have a member of the firewall team appear forthwith. Mr. Gilman advised that failure to appear as ordered will result in finding of contempt.

Proposed stipulation and order provided to defense by Government re production of potentially privileged materials without waiver of privilege; awaiting response from defense. Mr. Levine advises that the defense has made a proposal to the Government with respect to this issue; parties have made progress on issue and expect/hope to have a resolution by the next court appearance.

Mr. Levine raises issue previously brought to the Court's attention concerning auditor/accounting work papers and possible need for additional protective order; advises that a resolution re substantive documents reached. Two outstanding issues detailed—parties are moving forward and expect resolution by next conference; if not, a status report will be given to the Court at the appearance.

Mr. Fodeman raises two issues: (1) Discovery letter filed July 5, 2017 requesting bill of particulars; Government requests opportunity to respond in writing—request granted. Government's response is due by July 28, 2017—30 pg. limit (no introduction necessary, as stated on the record); defendants' joint response is due by August 11,

2017 and may be up to 20 pages in length. (2) No Brady disclosures received—notes Government's recently-filed letter on this issue—notes concern that Government's disclosures are incomplete (details stated). Government responds. Court finds Government's response unsatisfactory and notes that the Government's obligation is ongoing from the moment an allegation is made against defendant(s) (details stated). Government to respond to discovery demands made in DE 166 as directed by the Court. Response to be incorporated into papers to be submitted re bill of particulars.

Supplements to Mr. Fodeman's Brady letter, including valuation issue(s) raised by Mr. Schwartz (former receiver in related civil case), by codefendants are due by July 11, 2017 and are limited to 3 pages in length.

Mr. O'Brien informs that a sealed letter regarding Mr. Landesman's medical status is forthcoming.

Further status conference scheduled for August 28, 2017 at 11:00 AM. *Case previously deemed complex for speedy trial purposes*. Order of excludable delay entered between July 7, 2017

Possible omnibus/bifurcated motion schedule requests made by Mr. O'Brien and Mr. Sommer; issues to be discussed at next conference.

Court addresses Nordlicht's bond modification request—travel to Rhode Island for employment purposes: Court requires the Government to take a position on the request for reasons stated. Government objects to the request for reasons stated; Mr. Burck responds. Written response by Mr. Burck is due by July 13, 2017; Government's reply is due by July 20, 2017. In the meantime, the request remains denied.

Court will advise parties if hearing is needed on motion re grand jury leaks.